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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,708	08/25/2003	Alfred Ecker	038741.52686US	9822
23911 7590 09/20/2007 CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			EXAMINER LEE, PATRICK J	
			ART UNIT 2878	PAPER NUMBER
			MAIL DATE 09/20/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/646,708

Applicant(s)

ECKER ET AL.

Examiner

Patrick J. Lee

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2878

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,5-12,15,17 and 19-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5-12,15,17 and 19-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

1. This action is in response to amendment filed August 22, 2007.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 7, & 10-12 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6,650,799 B2 to Lyons ("Lyons").

With respect to claim 1, Lyons discloses a fluid flow sensor used for applications of measuring fluid velocity and pressure in airplanes and boats (see column 1, lines 20-22, 52-54, 60-62) comprising: an optical fiber (16) with grating (26) designed as a Bragg grating sensor (see column 3, lines 48-51); and body (38) with a V-shaped groove (33) to represent a workpiece. As illustrated in Figure 1, the fiber (16) with the grating sensor (26) is disposed and integrated into a region of a surface of the workpiece (38). Groove (33) is introduced into the surface of the workpiece (38). Groove (33) is specifically designed to have a breadth and depth matched to the diameter of optical fiber (see Figure 1) in the same manner as stated by Applicant in the Remarks response (see lines 5-11 of Page 8 of Response filed August 22, 2007). Lyons Figure 1

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shows sufficient contact of fiber (16) with workpiece (38) so that an appropriate measurement can be obtained. And finally, Lyons illustrates in Figure 1 that optical fiber (16) is arranged in the groove (33) as a recess.

With respect to claim 7, Lyons illustrates in Figure 1 that optical fiber (16) is arranged without curvature in a form of a straight line in the region on the surface of the workpiece (38).

With respect to claim 10, Lyons discloses body (38) to be any body over which fluid (12) flows. Lyons specifically gives examples such as a ship, airfoil, and a submarine (see column 3, lines 60-64). These examples would be situations where workpiece (38) would be designed as a dynamically loaded component.

With respect to claim 11, Lyons discloses the sensor to measure properties of the body (38) as a dynamically loaded component (see column 3, lines 64-67).

With respect to claim 12, Lyons discloses a fluid flow sensor used for applications of measuring fluid velocity and pressure in airplanes and boats (see column 1, lines 20-22, 52-54, 60-62) and a corresponding method comprising: an optical fiber (16) with grating (26) designed as a Bragg grating sensor (see column 3, lines 48-51); and body (38) with a V-shaped groove (33) to represent a workpiece. As illustrated in Figure 1, the fiber (16) with the grating sensor (26) is disposed and integrated into a region of a surface of the workpiece (38). Groove (33) is introduced into the surface of the workpiece (38). Groove (33) is specifically designed to have a breadth and depth matched to the diameter of optical fiber (see Figure 1) in the same manner as stated by Applicant in the Remarks response (see lines 5-11 of Page 8 of Response filed August

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22, 2007). Lyons Figure 1 shows sufficient contact of fiber (16) with workpiece (38) so that an appropriate measurement can be obtained. And finally, Lyons illustrates in Figure 1 that optical fiber (16) is arranged in the groove (33) as a recess.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-6, 15, 17, & 19-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,650,799 B2 to Lyons ("Lyons").

With respect to claims 5-6, Lyons discloses the device as previously described. However, Lyons does not explicitly disclose the use of a second optical fiber in a different geometrical configuration and curvature. To modify the teachings of Lyons accordingly is known in the art as a mere duplication of parts and would have been obvious to one of ordinary skill in the art because this arrangement would allow for determination of the strains over a greater area of the workpiece.

With respect to claims 15 & 19, the modified Lyons discloses the device as previously described. However, the modified Lyons does not explicitly disclose the use of a second optical fiber in a different geometrical configuration and curvature. To modify the teachings of Lyons accordingly is known in the art as a mere duplication of parts and would have been obvious to one of ordinary skill in the art because this

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arrangement would allow for determination of the strains over a greater area of the workpiece.

With respect to claim 17, the modified Lyons discloses the use of the device in an airfoil application, but does not specifically disclose the device in a turbine blade or housing. However, it is known in the art that turbine blades and airfoils face similar fluid dynamics concerns and are both governed by Bernoulli conditions. To modify the teachings of Lyons for use in a turbine blade is known the art as an intended use of the device and would have been obvious to one of ordinary skill in the art because the sensor of Lyons would have provided a non-intrusive device easily installed on the turbine blade for accurate determination of the fluid properties faced by the turbine blade.

With respect to claim 20, the modified Lyons discloses the use of the device in an airfoil application, but does not specifically disclose the device in a turbine blade or housing. However, it is known in the art that turbine blades and airfoils face similar fluid dynamics concerns and are both governed by Bernoulli conditions. To modify the teachings of Lyons for use in a turbine blade is known the art as an intended use of the device and would have been obvious to one of ordinary skill in the art because the sensor of Lyons would have provided a non-intrusive device easily installed on the turbine blade for accurate determination of the fluid properties faced by the turbine blade.

With respect to claim 21, the modified Lyons discloses the use of the device in an airfoil application, but does not specifically disclose the device in a turbine blade or

housing. However, it is known in the art that turbine blades and airfoils face similar fluid dynamics concerns and are both governed by Bernoulli conditions. To modify the teachings of Lyons for use in a turbine blade is known the art as an intended use of the device and would have been obvious to one of ordinary skill in the art because the sensor of Lyons would have provided a non-intrusive device easily installed on the turbine blade for accurate determination of the fluid properties faced by the turbine blade.

With respect to claim 22, the modified Lyons discloses the device as previously described. Lyons also discloses amplifier (138) as part of an electronic evaluation system to determine fluid velocity, but does not explicitly disclose the determination of a measured vibration or temperature. To modify the teachings of Lyons to determine vibration or temperature is known in the art and would have been obvious to one of ordinary skill in the art because this would allow the device additional versatility.

With respect to claim 23, the modified Lyons discloses the device as previously described. However, the modified Lyons does not explicitly disclose the use of a polyimide-coated glass fiber. The use of polyimide-coated glass fibers is known in the art and would have been obvious to one of ordinary skill in the art because they provide for a relatively low cost fiber with the structural integrity required to last the conditions faced by the workpiece.

With respect to claim 24, the modified Lyons discloses the device as previously described. Lyons also discloses amplifier (138) as part of an electronic evaluation system to determine fluid velocity, but does not explicitly disclose the determination of a

measured vibration or temperature. To modify the teachings of Lyons to determine vibration or temperature is known in the art and would have been obvious to one of ordinary skill in the art because this would allow the device additional versatility.

With respect to claim 25, the modified Lyons discloses the use of the device in an airfoil application, but does not specifically disclose the device in a turbine blade or housing. However, it is known in the art that turbine blades and airfoils face similar fluid dynamics concerns and are both governed by Bernoulli conditions. To modify the teachings of Lyons for use in a turbine blade is known the art as an intended use of the device and would have been obvious to one of ordinary skill in the art because the sensor of Lyons would have provided a non-intrusive device easily installed on the turbine blade for accurate determination of the fluid properties faced by the turbine blade.

With respect to claim 26, the modified Lyons discloses the device as previously described. Lyons also discloses amplifier (138) as part of an electronic evaluation system to determine fluid velocity, but does not explicitly disclose the determination of a measured vibration or temperature. To modify the teachings of Lyons to determine vibration or temperature is known in the art and would have been obvious to one of ordinary skill in the art because this would allow the device additional versatility.

With respect to claim 27, the modified Lyons discloses the device as previously described. However, the modified Lyons does not explicitly disclose the use of a polyimide-coated glass fiber. The use of polyimide-coated glass fibers is known in the art and would have been obvious to one of ordinary skill in the art because they provide



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for a relatively low cost fiber with the structural integrity required to last the conditions faced by the workpiece.

With respect to claim 28, the modified Lyons discloses the device as previously described. Lyons also discloses amplifier (138) as part of an electronic evaluation system to determine fluid velocity, but does not explicitly disclose the determination of a measured vibration or temperature. To modify the teachings of Lyons to determine vibration or temperature is known in the art and would have been obvious to one of ordinary skill in the art because this would allow the device additional versatility.

6. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,650,799 B2 to Lyons in view of US 6,600,149 B2 to Schulz et al

Lyons discloses the device as previously described.

With respect to claims 8-9, Lyons discloses the device as described above, but does not explicitly disclose the arrangement of the Bragg grating sensor arranged in an angular straight line in such a way that the first section of the fiber is angled off from a second section. However, this arrangement is known in the art as Schulz et al disclose in a related optical grating device for determining strain on the workpiece where fiber sensors are embedded on a wing (see figure 17). To modify the teachings of Lyons accordingly would have been obvious to one of ordinary skill in the art because this would allow the fibers to cover as much of the wing as possible and make it possible to dispose the light emitter/detector module as close to each other as possible.

***Response to Arguments***

7. Applicant's arguments with respect to claims 1, 5-12, 15, 17, & 19-28 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

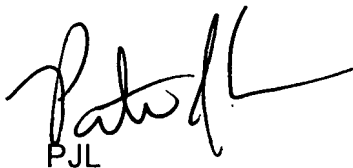
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick J. Lee whose telephone number is (571) 272-2440. The examiner can normally be reached on Monday through Friday, 8:00 am to 5:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on (571) 272-2328. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



PJL

September 14, 2007

Patrick J. Lee  
Examiner  
Art Unit 2878